

DISTRICT OF COLUMBIA
DOH Office of Adjudication and Hearings
825 North Capitol Street N.E., Suite 5100
Washington D.C. 20002

DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
Petitioner,

v.

LUDLOW TAYLOR BEFORE AND AFTER
SCHOOL PROGRAM AND BETTYE BLACK
and ROZALIND FERGUSON
Respondents

Case No.: I-00-40943

DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
Petitioner,

v.

LUDLOW TAYLOR BEFORE AND AFTER
SCHOOL PROGRAM AND BETTYE BLACK
and ROZALIND FERGUSON
Respondents

Case No.: I-00-40447

ORDER

On January 10, 2002, the Docket Clerk issued the attached notice to the Government returning Notice of Infraction No. 00-40943. The Notice of Infraction was not accepted for filing because it failed to include a time and date as required by D.C. Official Code § 2-1802.01(b)(3). The Docket Clerk's return notice stated that a corrected Notice of Infraction must be served and filed within five days in order to avoid dismissal based on the stated defects. As of the date of this order, no revised Notice of Infraction has been filed the administrative court and the deficiencies noted in the Docket Clerk's notice remain uncorrected.

Adherence to the requirements of D.C. Official Code § 2-1802.01 and applicable administrative court rules and procedures are necessary components of fairness, statutory compliance, and due process that ensure, among other things, that the Respondents have adequate notice of the charge(s) against them and a fair opportunity to defend against those charges. Such requirements also foster sound judicial administration. *See, Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989). Accordingly, because the Government has not complied with applicable law governing the content of the notice of infraction, Case No. I-00-40943 must be dismissed.

On January 23, 2002, Respondents entered a plea of Admit to the then-pending notice of infraction in Case No. I-00-40943 and submitted the specified fine of \$50 (check #3047). Because Case No. I-00-40943 is to be dismissed, Respondents have requested in writing that their check be applied instead to Case No. I-00-40447 which is a separate matter that also involves a specified fine of \$50. Respondent's request will be granted, and Case No. I-00-40447 will be marked closed by payment upon a statutory plea of Admit pursuant to D.C. Official Code § 2-1802.02(b).

Therefore, based on the entire record in this matter, it is this _____ day of _____, 2002:

ORDERED, that Case No. I-00-40943 is hereby **DISMISSED** and Case No. I-00-40447 shall be marked **CLOSED**.

/s/ **02/15/02**

Paul Klein
Chief Administrative Law Judge